

IN THE SUPREME COURT OF THE STATE OF DELAWARE

GEORGE R. GOODLETT,	§
	§ No. 612, 2005
Defendant Below-	§
Appellant,	§
	§ Court Below—Superior Court
v.	§ of the State of Delaware
	§ in and for Kent County
STATE OF DELAWARE,	§ C.A. No. 05M-11-008
	§
Plaintiff Below-	§
Appellee.	§

Submitted: January 4, 2006

Decided: February 21, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **JACOBS**, Justices.

**ORDER**

This 21<sup>st</sup> day of February 2006, upon consideration of the appellant's opening brief and the appellee's motion to affirm pursuant to Supreme Court Rule 25(a), it appears to the Court that:

(1) The defendant-appellant, George R. Goodlett, filed an appeal from the Superior Court's November 16, 2005 dismissal of his petition for a writ of habeas corpus. The plaintiff-appellee, the State of Delaware, has moved to affirm the judgment of the Superior Court on the ground that it is

manifest on the face of Goodlett's opening brief that the appeal is without merit.<sup>1</sup> We agree and AFFIRM.

(2) In January 2005, Goodlett pleaded guilty to Burglary in the Third Degree. Initially, he was sentenced to 4 years incarceration at Level V. The Superior Court subsequently modified that sentence to 3 years of Level V incarceration.

(3) In this appeal, Goodlett claims that the Superior Court improperly denied his petition for a writ of habeas corpus because under the Truth in Sentencing ("TIS") guidelines, he should have received no more than a 9-month Level V sentence.

(4) In Delaware, the writ of habeas corpus affords relief on a very limited basis.<sup>2</sup> All that habeas corpus provides is "an opportunity for one illegally confined or incarcerated to obtain judicial review of the jurisdiction of the court ordering the commitment."<sup>3</sup> "Habeas corpus relief is not available to '[p]ersons committed or detained on a charge of treason or felony, the species whereof is plainly and fully set forth in the commitment.'"<sup>4</sup>

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<sup>1</sup> Supr. Ct. R. 25(a).

<sup>2</sup> *Hall v. Carr*, 692 A.2d 888, 891 (Del. 1997).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* (quoting Del. Code Ann. tit. 10, § 6902(1)).

(5) Goodlett is not entitled to a writ of habeas corpus because he has not demonstrated any jurisdictional irregularity on the face of his commitment and the Superior Court properly so found. Goodlett's argument that, under the TIS guidelines, he should have received no more than a 9-month Level V sentence is incorrect as a matter of law. There is no constitutional or statutory right in Delaware to challenge a sentence solely on the ground that it exceeds the TIS guidelines.<sup>5</sup>

(6) It is manifest on the face of Goodlett's opening brief that the appeal is without merit because the issues presented on appeal are controlled by settled Delaware law.

NOW, THEREFORE, IT IS ORDERED that, pursuant to Supreme Court Rule 25(a), the State of Delaware's motion to affirm is GRANTED. The judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Jack B. Jacobs  
Justice

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<sup>5</sup> *Siple v. State*, 701 A.2d 79, 83 (Del. 1997).